

**VIRGINIA: IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN  
DISTRICT OF VIRGINIA  
Newport News Division**

**LEE HICKLIN**

**Plaintiff**

v.

**Case No.: 4:21-cv-34**

**CITY OF HAMPTON**

**Defendant**

**DEFENDANT'S MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

Comes now, Defendant City of Hampton, by counsel, and moves this Court to dismiss the complaint filed in this action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

WHEREFORE, for the reasons delineated more fully in the Defendant's Brief in Support of its Motion to Dismiss, which is incorporated herein, Defendant respectfully moves this Court to dismiss the Complaint with prejudice and award any other relief which is appropriate.

Respectfully submitted,

**CITY OF HAMPTON**

*By Counsel*

By: \_\_\_\_\_ /s/

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*Roseboro v. Garrison* Warning

To Lee Hicklin, Plaintiff *pro se* in the case of *Lee Hicklin v. City of Hampton* Civil Action No. 4:21cv34, United States District Court for the Eastern District of Virginia, Newport News Division:

Pursuant to the Rules of the United States District Court for the Eastern District of Virginia, the Defendant hereby warns you of the following:

You are entitled to file a response opposing this motion and any such response must be filed within twenty-one (21) days of the date on which this motion was filed. The Court could dismiss the action on the basis of this motion if you do not file a response. You must identify all facts stated in this motion with which you disagree and must set forth your version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury). You are entitled to file a legal brief in opposition to the one filed by the Defendants in support of this motion.

**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2021, I will electronically file the foregoing DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) with the Clerk of Court using the CM/EFC system. I further certify that I will mail the document and a copy of the notification of such filing (NEF) by U.S. Mail to the following, it appears, non-filing user:

Lee Hicklin  
12861 Daybreak Circle  
Newport News, VA 23602  
Lee.hicklin@gmail.com  
*Pro se Plaintiff*

/s/

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